

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANCELLA WILES and JUDY T.
WILES (rep),

Plaintiffs,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

4:13-CV-3063

MEMORANDUM AND ORDER ON
APPLICATION TO PROCEED IN
FORMA PAUPERIS

The plaintiffs, non-prisoners, have filed an application to proceed in forma pauperis (filing [2](#)). The plaintiffs' application demonstrates that the plaintiffs are eligible to proceed in forma pauperis.

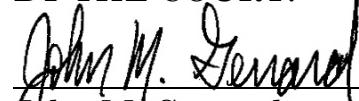
IT IS ORDERED:

1. Plaintiffs' application to proceed in forma pauperis (filing [2](#)) is granted, and the complaint shall be filed without payment of fees.
2. The Clerk of the Court shall send a copy of this memorandum and order together with three **summons forms** and three copies of **Form 285** to the plaintiffs for service of process on the United States. **Federal Rule of Civil Procedure 4(m)** requires service of process by no later than 120 days after the filing of a civil complaint.
3. If requested to do so, the United States Marshal shall serve all process in this case without prepayment of fees from the plaintiffs. In making such a request, plaintiffs must complete the Marshal's **Form 285**, to be submitted to the Clerk of the Court with the completed summons forms. (See attached Notice for persons to be served.) Without those forms, service of process cannot occur.

4. Upon receipt of the completed summons forms and USM-285 forms, the Clerk shall sign the summonses and forward them, together with copies of the complaint, to the U.S. Marshal for service on the United States.
5. This order is entered without prejudice to the Court later entering an order taxing costs in this case. No one, including any plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.

Dated this 21st day of March, 2013.

BY THE COURT:



John M. Gerrard

United States District Judge

Notice Regarding Federal Rule of Civil Procedure 4(i)

Federal Rule of Civil Procedure 4(i) regarding "Serving the United States and Its Agencies, Corporations, Officers, or Employees," states:

- (1) United States. To serve the United States, a party must:
 - (A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought--or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk--or
 - (ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;
 - (B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and
 - (C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.
- (2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.